

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 14-170 JVS (RNBx) Date March 7, 2014

Title Larry Gravestock v. Abilene Motor Express, Inc., et al.

Present: The Honorable James V. Selna

Karla J. Tunis
Deputy Clerk

Not Present
Court Reporter

Attorneys Present for Plaintiffs:
Not Present

Attorneys Present for Defendants:
Not Present

Proceedings: (In Chambers) Order Staying Defendant's Motion to Dismiss

Defendant Abilene Motor Express, Inc. ("Abilene") moves for the dismissal of Plaintiff Larry Gravestock's ("Gravestock's") claims that Abilene failed to provide adequate meal and rest break periods in accordance with California Labor Code §§ 226.7 and 512 pursuant to Federal Rule of Civil Procedure 12(b)(6). (Motion to Dismiss ("Mot."), Docket No. 7.) More specifically, Abilene argues that these claims are preempted by the Federal Aviation Administration Authorization Act of 1994 ("FAAA Act"). (*Id.* at 1.) Gravestock filed a timely opposition. (Opposition to Motion to Dismiss ("Opp'n"), Docket No. 13.) The hearing on the Motion to Dismiss is currently set for March 17, 2014.

On March 3, 2014, the Ninth Circuit heard oral arguments in Dilts v. Penske Logistics LLC, No. 12-55705 (9th Cir. filed Apr. 19, 2012), which raises the issue of FAAA Act preemption of California's meal and rest break laws. The power to stay proceedings is soundly within the Court's discretion and is incidental to the "power inherent in every court to manage the schedule of cases on its docket to ensure fair and efficient adjudication." Landis v. North American Co., 299 U.S. 248, 254-55 (1936). Given that the Ninth Circuit will soon issue an opinion dealing with the preemption issue raised by Abilene's Motion to Dismiss, the Court finds it proper to hold Abilene's Motion in abeyance until that time.

The Court hereby stays Abilene's Motion to Dismiss pending the Ninth Circuit's decision in Dilts. Following that decision, the Court will reset this Motion. At that time,

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the parties will be permitted to file limited additional briefing in order to address the Ninth Circuit's decision.

IT IS SO ORDERED.

Initials of Preparer : 00
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